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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,508	08/01/2001	James M. Carney	P6153	6336

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EXAMINER

NGUYEN, PHUONGCHI T

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 02/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,508

Applicant(s)

CARNEY ET AL.

Examiner

Phuongchi T Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 14, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Roesner (US5690306).

In regards to claim 1, Roesner discloses an apparatus comprising a housing (C) defining an interior cavity (D); and a mechanism (adjacent A) (see Attachment 1). It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). In regards to the claim language, the pin connectors and a circuit board are not positively recited in the claim.

In regards to claim 2, Roesner discloses the apparatus wherein the interior cavity (D) is partitioned into a plurality of cavities (12) (see figure 1).

In regards to claim 3, Roesner discloses the apparatus wherein the plurality of cavities (12) (see figure 1) accommodate multiple pin connectors (it is inherent) attached to the circuit board (it is inherent). The pin connectors and circuit board are not positively recited in the claim and intended used.

In regards to claim 4, Roesner discloses the apparatus wherein the mechanism (adjacent A) comprises an aperture (A). The pin connector and the circuit board are not positively recited in the claim.

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In regards to claim 5, Roesner discloses the apparatus wherein the aperture (A) has an irregular shape to create an interfering fit with the structure on the circuit board (see Attachment 1). The structure on the circuit board is not positive recited in the claim.

In regards to claim 6, Roesner discloses the apparatus further comprising a mechanism (adjacent 24) to enable removal of the housing (C) (see Abstract, line 2; Column 3, line 31-32).

In regards to claims 7 and 8, Roesner discloses the apparatus wherein the mechanism (adjacent 24) to enable removal comprises a pair of projections (78, 80) extending from a surface (58) of the housing (C) (see Attachment 1, figure 5).

In regards to claims 9, 10, 11, the housing formed of a semi-rigid material or resin or with an injection molding process is intended used.

In regards to claim 12, Roesner discloses the apparatus comprising an aperture (adjacent B) extending through the housing and isolated from the interior cavity (D) (see Attachment 1, figure 3).

In regards to claim 14, in addition to claim 1, Roesner discloses an apparatus comprising a mechanism (adjacent 24) for aligning the interior cavity (D) of the housing (C) with the pin connector (at card cage panel) (see Attachment 1 of figure 4). The pin connector is not positive recited in the claim and intended used.

In regards to claim 15, Roesner discloses the apparatus comprising wherein the mechanism (adjacent B). A mimic feature of one of the pin connector and circuit board is intended used (see Attachment 1, figure 4).

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In regards to claims 16 and 17, Roesner discloses the apparatus wherein the mechanism (adjacent 24) for aligning comprises at least one fin (B) projecting from a surface (56) of the housing (C) to facilitate handling thereof (see Attachment 1, figure 4).

In regards to claim 18, Roesner discloses in a computer system having a circuit board and one or more electrical pin connectors affixed thereon, a method having an interior cavity (D) defined therein and mechanisms (adjacent 24, adjacent A) for aligning the protective cover (22) (see Attachment 1). It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). In regards to the claim language, the pin connectors and a circuit board are not positively recited in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roesner (US5690306).

In regards to claim 13, it would have been obvious of design choice to made to provide a plurality of apertures (A) on the housing (adjacent 22) of Roesner to ^{better} secure the housing (adjacent 22) in the chassis of computer housing and the circuit board having the pinconnector or card cage panel.

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In regards to claims 19 and 20, it would have been obvious to one having ordinary skill at the time the invention was to modify the features (24) of Roesner by providing the features forming a cylindrical projection for ease connection, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. in re Rose, 105 USPQ 237 (CCPA 1955).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi T Nguyen whose telephone number is (703) 305-0729. The examiner can normally be reached on Monday through Thursday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7723 for regular communications and (703) 305-7723 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 3087722.

February 11, 2002

A handwritten signature in black ink, appearing to read "Phuongchi T Nguyen", is located at the bottom right of the page.

